

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

**FILED**  
MAY 20 2009  
*Joseph Haas*  
CLERK

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RUSTIN L. PROVANCE,

Plaintiff,

-vs-

BOB DOOLEY, Warden, Mike Durfee State Prison;  
HARLAN TJEERDSMA; BRIAN FOLEY;  
BRANDY CROSLY,

Defendants.

CIV. 09-4003

JUDGMENT

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The Court having entered its Order dismissing Plaintiff's Complaint, it is hereby ORDERED, ADJUDGED and DECREED that Plaintiff's Complaint is dismissed, without prejudice, for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and 28 U.S.C. § 1915A(b)(1).

Dated this 20<sup>th</sup> day of May, 2009.

BY THE COURT:

*Lawrence L. Piersol*  
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Lawrence L. Piersol  
United States District Judge

ATTEST:  
JOSEPH HAAS, CLERK

By: *Summer Wahlfeld*, Deputy

(SEAL)